



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

March 29, 1962

Honorable J. F. Heard
Texas Department of
Corrections
Huntsville, Texas

Opinion No. WW-1288

Re: Whether Article 174,
V.C.C.P. requires the
Texas Department of
Corrections, upon de-
mand from an inmate, to
furnish him copies of
his commitment and, if
so, at whose cost?

Dear Mr. Heard:

Your request for an opinion may be broken down into two questions:

1. Whether Article 174, V.C.C.P., requires the Texas Department of Corrections to provide the inmate, on his request, a copy of his commitment papers?

2. Can the Texas Department of Corrections demand prepayment of an adequate sum of money to cover the cost of the photostatic copies before furnishing them to the inmate?

Article 174, V.C.C.P., provides as follows:

"Any jailer, sheriff or other officer who has a prisoner in his custody and refuses, upon demand, to furnish a copy of the process under which he holds the person, is guilty of an offense."

Since Article 174, V.C.C.P. is found within the Habeas Corpus section of the Code of Criminal Procedure, the legislative intent apparently is to limit its application to those steps necessary in securing a writ of habeas corpus.

The statutory language, ". . . to furnish a copy . . ." we interpret to mean that the prisoner, upon demand, is entitled to only one copy of his order of commitment, in the event that he has made application for a writ of habeas corpus.

Payment of cost is not a prerequisite for providing the order of commitment. Upon demand, by the prisoner the


copy of the order of commitment under which the prisoner is held is to be provided him. We therefore hold that one copy of the commitment should be provided free of cost to the prisoner who has made application for a writ of habeas corpus.

S U M M A R Y

An inmate, upon demand, is to be furnished one copy of the process under which he is being held, free of cost, provided he has made application for a writ of habeas corpus.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
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IRS:wb:zt

APPROVED:

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REVIEWED FOR THE ATTORNEY GENERAL
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